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PTO/SB/21 (10-96)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/318,073
Filing Date	May 25, 1999
First Named Inventor	Zhu et al
Group Art Unit	2823
Examiner Name	Zhu et al
Docket Number	B10-25561US

Total Number of Pages in This Submission 3

### ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
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- ☒ Amendment / Response
- ☐ After Final
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- ☐ Express Abandonment Request
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- ☐ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

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- ☐ Drawing(s)
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- ☐ Petition Checklist and Accompanying Petition
- ☐ To Convert a Provisional Application
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Remarks

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kris T. Fredrick
Signature	<i>Kris T. Fredrick</i>
Date	10-16-00

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope address to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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PATENT

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Minneapolis, Minnesota  
October 16, 2000

#7  
10-26-00  
C. B. Durr

Applicant - Zhu et al.

Group - 2823

Serial No. - 09/318,073

Examiner - Abbott, B.

Filed - 5/25/99

Atty Docket No. - B10-25561-US

For - Local Shielding for Memory Cells

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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Dear Sir or Madam:

This is responsive to the Office Action of October 3, 2000 in which the Examiner indicated that claims 1-34 are subject to a restriction or election requirement.

In response to the restriction requirement, the applicants provisionally elect Group I with traverse. The restriction requirement is submitted to be improper because the claims of Groups II are not "distinct" from the claims of Group I as the Examiner states. Although not officially stated in the Office Action, the Applicants assume the Examiner intended to include Claim 23 in Group II.

In particular, the claims of Group I are drawn to an apparatus. The claims of Group II are drawn to a method for making the apparatus(es) in Group I.

The Examiner's comment about the product as claimed which "can be made by a materially different process such as one in which there is no cavity formed in the insulating layer" does not apply to all claims in Group II. Specifically, claims 23-29 as filed, do not contain any language concerning a cavity formed in an insulating layer. The remaining claims in Group II are merely alternative embodiments of the present

invention, and are therefore correctly claimed. Thus, restriction to the groups identified by the Examiner should not be required.

In view of the foregoing arguments, the Applicants respectfully request the Examiner to document a viable alternative process or product, or withdraw the restriction or election requirement in accordance with MPEP §806.05(f).

Respectfully submitted,  
Zhu et al.

A handwritten signature in black ink, appearing to read "Kris T. Fredrick", followed by a long horizontal line extending to the right.

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